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**Testimony of David Sutherland – Director of Government Relations
Before the Public Health Committee – March 12, 2010**

**IN OPPOSITION TO BILL 5477 –
AAC the Clean Water Act and Streamflow Regulations**

I am here today on behalf of The Nature Conservancy to express our strong opposition to BILL 5477 – AAC the Clean Water Act and Streamflow Regulations.

Section 2 of this bill is clearly crafted to subvert the draft streamflow regulations that the Department of Environmental Protection released in October for public comment. It must be stressed in reviewing this bill that the DEP has gone to extraordinary lengths to compile and consider the broadest possible range of opinion and expertise on this issue. The agency convened three advisory committees of various interest groups and met with them extensively for three years prior to releasing the draft regulations for public comment. They held numerous public meetings before the public hearing on the regulations. Over 350 comments were received on the proposal.

The Department of Public Health and the Department of Public Utility Control had every opportunity to review and provide input on the proposed regulations, including serving on the advisory committee. DPH submitted formal comments. These agencies are part of the administration that, through DEP, developed and released these draft regulations. The provisions in Bill 5477 requiring these agencies' involvement are unnecessary.

DEP has proposed a five-to-sixteen year implementation process to implement the regulations, and very open-ended variance provisions that can be used to weaken the requirements on water users. Considering DEP's staff constraints, this type of time frame is necessary to enable the agency to execute the well-planned implementation of the components of the regulatory process. Bill 5477 imposes new related requirements on the agency with very tight timelines that are clearly unrealistic.

It is ironic, in light of the complaints that some water users have voiced - that DEP has rushed this three-and-a-half-year process of developing the proposed regulations - to now see this bill propose to require that DEP complete equally complex studies in six months. It is very tempting to suspect that this timeline has been cynically proposed with no expectation that it could actually be accomplished.

This bill appears to be simply an attempt to kill the proposed regulations. DEP has engaged in a remarkably inclusive and extensive process to develop these regulations in a balanced manner. They have not even released their final draft for consideration by the Regulation Review Committee yet. Please reject this bill, and give the DEP an opportunity to present their proposal. Passing this bill would be tantamount to saying that no regulations can or should be implemented, and that Connecticut will and can never plan for its water use and for the health of our streams in any significant way.